IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO. 58326 M OF 2005

DATE OF DECISION: APRIL 23, 2007

Tutu Singh Aujla

.....Petitioner

VERSUS

Union Territory, Chandigarh and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. Rahul Sharma, Advocate,
for the petitioner.

Mr. Arvind Mittal, Advocate,
for respondent No.2.

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RANJIT SINGH, J. (ORAL)

In the present case, the petitioner is seeking quashing of FIR no.108 dated 13.5.2004 registered under Sections 406, 498A IPC at Police Station (East), Sector 26, Chandigarh.

Conceded case is that the petitioner is residing in United States of America and had performed a court marriage with respondent No.2, Suman Preet Kaur on 21.5.2001. It is maintained by the petitioner that this was done on insistence of respondent No.2, so that he could first arrange visa for taking her to United States of America immediately after marriage. In this background, the petitioner claims that this was not accepted as a valid marriage. Subsequently,

the petitioner states to have learnt that parents of respondent No.2 were not interested in sending her to United States of America but were keen to take over the land belonging to him. He, as such, decided not to go ahead with the marriage. The petitioner accordingly has prayed for quashing of the instant FIR, saying that the same is totally false as question of demand of dowry or cruelty etc., as levelled, would not arise when the marriage even was not consummated.

Notice of motion in this case was issued, when it was stated before the Court that the matter can be settled. On 9.1.2007, counsel appearing for both the parties submitted before the Court that there may be a scope of compromise and as such, parties be summoned to appear in person. On a request made by counsel for the petitioner, sister of the petitioner was permitted to represent her brother as petitioner was staying outside India.

Today, respondent No.2 alongwith her parents and sister of the petitioner have appeared in person. On being enquired about the possibility of settlement, respondent No.2-complainant bursted out with her grievance and submits that her entire life has been ruined. She and her parents are justified in saying so because she is now labelled as a divorcee. Respondent No.2 would rightly make a grievance that the petitioner, after ruining her life, is coolly settled in foreign country and that no amount of compensation can give her back those precious years of life. She has not been able to get married for the last six years as she is unable to find a suitable match being a divorcee. She accordingly submits that she is not prepared to reconcile and settle with the petitioner and want him to be prosecuted

for the allegations and offences that he has committed.

The sister of the petitioner has come to represent him. She has also been heard. She has attempted to show this to be a case of no marriage. It is, thus, seen that there is no scope of settlement in this case. It is also pointed out before me that the petitioner has since been declared as a proclaimed offender. No case for quashing of the FIR, in view of the above position, is made out.

The present petition is accordingly dismissed.

April 23, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**